



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/860,466	07/15/97	BASSON G	P15743

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QM61/0420

EXAMINER

NEAS, M

ART UNIT

PAPER NUMBER

3741

DATE MAILED: 04/20/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/860,466**

Applicant(s)

**Basson et al**

Examiner

**Michael A. Neas**

Group Art Unit

**3741**



☒ Responsive to communication(s) filed on Jul 15, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### *Specification*

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Rejections - 35 USC § 112*

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the applicant intends to claim in claim 1. The claim is initially directed to the subcombination of the device for attaching a chin strap. However, the body of the claim positively recites the helmet, "a fastening lug affixed to the helmet wall". Therefore, it is unclear if the applicant intends to claim the subcombination of the device for attaching or the combination of the device for attaching and the helmet. In claim 2, "the strap" lacks antecedent basis. In claim 3, line 3, it would appear that "a" should be --as a--. In claim 4, "the axis" lacks antecedent basis. In claim 6, "the swivel pin" lacks antecedent basis. In claim 7, "the retaining edge", "the retaining end" and "the retaining part" lack antecedent basis. In claim 8, the use of the phrase "especially" does not particularly point out the invention. In claim 10, "the latching means" lacks antecedent basis. In claim 13, "the lateral edge" lacks antecedent basis. In claim 14, "the helmet edge" lacks

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antecedent basis. In claim 15, "each side" lacks antecedent basis. Also, it is unclear what element "each side" is in reference to.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4 and 7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dera.

Dera discloses the invention as claimed. Dera teaches a device for attaching a chin strap to a helmet. The device includes a fastening member 1 affixed to a chin strap and a fastening lug 2 attached to the helmet wall 3. The fastening member 1 is constituted by a fastening portion 16 affixed to a pivotal gripping lever. The lever is considered the lower portion of member 1 and is pivotal with respect to the chin strap. The fastening lug 2 has a matching recessed portion 9. Recess 9 is open upwardly as shown in Figure 1 and is limited outwardly by lug 2. With regard to claim 4, some axis does exist behind an edge of the fastening lug. With regard to claim 7, a central cutout 9 is provided. With regard to claim 8, latching means 4 are provided to attach the gripping lever to the helmet wall. With regard to claim 9, the recessed portion 9 is closed on each end by a wall. With regard to claim 10, in the position shown in Figure 1, the recessed portion 9

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is limited by a rear wall in a direction toward the helmet. With regard to claim 11, the lug 2 is affixed to an independent edge part 15. Claims 12-15 are clearly shown.

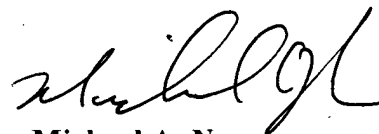
***Allowable Subject Matter***

5. Claims 2, 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Neas whose telephone number is (703) 308-0954. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00. The fax phone number for this Group is (703) 305-3463.



**Michael A. Neas  
Primary Examiner  
Art Unit 3741**

man  
April 13, 1998